

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 14-O-01

Introduced By: Mayor Michael E. Bennett

Date Introduced: January 27, 2014

Date Deferred: February 24, 2014

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

CAMPAIGN FINANCE

FOR the purpose of altering certain regulations relating to Aberdeen municipal election campaign finance; altering certain duties and responsibilities of a campaign treasurer; altering requirements relating to disclosure of the authority for dissemination of campaign matter; altering certain requirements for filing certain campaign finance reports; altering requirements for the disposition of unexpended campaign funds, including campaign funds remaining from prior campaigns; specifying the permissible purposes for which campaign funds may be expended; and matters generally relating to regulation of campaign finance for City of Aberdeen elections.

BY repealing and reenacting, with amendments
Chapter 36. ELECTIONS
Sections 36-4. 36-5 and 36-6
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

1 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF**
2 **ABERDEEN**, that Sections 36-4, 36-5 and 36-6 of the Code of the City of Aberdeen (2010
3 Edition as amended), Chapter 36. ELECTIONS, are amended to read as follows:
4

5 **Chapter 36: ELECTIONS**
6

7 **§ 36-4. Campaign treasurer and campaign contribution accountability.**
8

9 The candidate shall name a treasurer who will be responsible for receiving and disbursing all
10 campaign funds. The treasurer's name must appear on all campaign materials, advertisements,
11 etc. No other individual or group may spend money directly to aid the candidate unless the
12 person/group is identified and so states that information; all such support should be directed
13 through the treasurer. THE CAMPAIGN TREASURER SHALL PROVIDE TO THE BOARD A
14 TELEPHONE NUMBER WITH ANSWERING SERVICE CAPABILITIES, AN EMAIL
15 ADDRESS, OR BOTH, THAT THE CANDIDATE AND/OR CAMPAIGN TREASURER
16 WILL REGUARALLY MONITOR DURING THE CAMPAIGN. FOR PRINTED
17 CAMPAIGN MATERIAL, THE TREASURER'S NAME AND/OR AUTHORITY LINE
18 SHALL APPEAR IN SUCH A MANNER THAT IT IS CLEARLY LEGIBLE. FOR EACH
19 ELECTRONIC CAMPAIGN MATERIAL, INCLUDING A WEB PAGES, SOCIAL MEDIA,
20 AND ROBOTIC TELEPHONE CALLS, A MESSAGE ACKNOWLEDGING THAT THE
21 TREASURER AND CANDIDATE APPROVE OF THE ELECTRONIC CAMPAIGN
22 MATERIAL SHALL BE PROVIDED IN THE ELECTRONIC CAMPAIGN MATERIAL. THE
23 TREASURER SHALL PROVIDE THE BOARD ELECTRONIC EVIDENCE THAT THIS
24 APPROVAL MESSAGE WAS INCLUDED ON EACH ELECTRONIC CAMPAIGN
25 MATERIAL.
26

27 **§ 36-5. Reporting and disposition of contributions and expenditures.**
28

29 A. A report(s) of all moneys spent and received shall be filed with the Aberdeen Board of
30 Elections on a form provided by the Board. The initial and subsequent reports shall be
31 consecutively filed as follows:
32

33 (1) No later than the fourth Tuesday immediately preceding any municipal election;

34 (2) No later than the second Friday immediately preceding any election which shall be
35 complete through and including the preceding Sunday;
36

37 (3) No later than the third Tuesday after the municipal election;
38

39 (4) NO LATER THAN JANUARY 31 FOLLOWING A MUNICIPAL ELECTION,
40 THE CANDIDATE SHALL FILE A FINAL REPORT WITH THE BOARD. THAT
41 REPORT SHALL GIVE A FULL ACOUNT OF HOW ANY SURPLUS FUNDS
42

- 1 WERE DISPOSED OF IN COMPLIANCE WITH SECTION 36-5.B. ((If a cash
2 balance exists or if any unpaid bills or deficits remain to be paid as of the end of the
3 period for which the report or statement in Subsection A(3) of this section is filed, six
4 months after the municipal election;
5
6 (5) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the
7 end of the period for which the report or statement in Subsection A(4) of this section
8 is filed, one year after the municipal election;
9
10 (6) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the
11 end of the period for which the report or statement in Subsection A(5) of this section
12 or any subsequent report or statement is filed, annually on the anniversary of the
13 municipal election until no cash balance, unpaid bill or deficit remains; and
14
15 (7) If a cash balance or outstanding debts or deficits were reflected on the past preceding
16 report but have all been eliminated by the date on which the next report is due, the a
17 report clearly marked “final” shall be filed on or before such date showing all
18 transactions since the last report.))
19
20 B. ((Disposition of surplus funds. Prior to the time of filing the report required by this
21 section, any surplus funds remaining after payment of all campaign expenditures shall be:
22
23 (1) Paid to the local Board of Education or to a recognized nonprofit organization
24 providing services or funds for the benefit or pupils or teachers.
25
26 (2) Paid to a local charitable or civic organization deemed to be a 501C-3 corporation as
27 established by the United States Internal Revenue Service.))
28
29 WITHIN 60 DAYS FOLLOWING THE NOVEMBER, 2015, ABERDEEN MUNICIPAL
30 ELECTION, EACH CANDIDATE IN THAT ELECTION AND IN PRIOR ABERDEEN
31 MUNICIPAL ELECTIONS, SHALL DO ONE OF THE FOLLOWING WITH RESPECT TO
32 ALL CAMPAIGN FUNDS THEN REMAINING AFTER ALL CAMPAIGN EXPENSES
33 HAVE BEEN PAID AND ALL LOANS TO THE CAMPAIGN HAVE BEEN REPAYED. AS
34 USED IN THIS SUBSECTION, CAMPAIGN FUNDS INCLUDES ALL CAMPAIGN FUNDS
35 CONTRIBUTED TO THE CANDIDATE FOR THE NOVEMBER, 2015, ELECTION AND
36 FOR ALL PRIOR ABERDEEN MUNICIPAL ELECTIONS. REMAINING CAMPAIGN
37 FUNDS SHALL BE:
38
39 (1) RETURNED TO THE ORIGINAL CONTRIBUTORS EITHER IN TOTAL OR IN
40 A PRO RATA-SHARE;

(2) DONATED TO A 501 (C)(3) ORGANIZATION THAT HAS ITS PRINCIPAL PLACE OF BUSINESS IN ABERDEEN; OR

(3) DONATED TO AN ORGANIZATION THAT SUPPORTS ABERDEEN BASED PUBLIC SCHOOLS SUCH AS, BUT NOT LIMITED TO:

(A) PTA OR PTSO;

(B) BAND BOOSTERS; AND

(C) SPORT BOOSTERS.

C. ((Any Candidate elected to the office which he/she seeks who shall fail to file any report required by this section to be filed before a general election shall not be administered the oath of office or be permitted to serve until such report has been filed.)) WITHIN 60 DAYS FOLLOWING ALL SUBSEQUENT ABERDEEN MUNICIPAL ELECTIONS, ALL CAMPAIGN FUNDS THEN REMAINING AFTER ALL CAMPAIGN EXPENSES HAVE BEEN PAID AND ALL LOANS TO THE CAMPAIGN HAVE BEEN REPAID SHALL BE RETURNED TO CONTRIBUTORS OR DONATED AS PROVIDED IN SUBSECTION C. OF THIS SECTION.

D. ANY CANDIDATE ELECTED TO THE OFFICE WHICH HE/SHE SEEKS WHO SHALL FAIL TO FILE ANY REPORT REQUIRED BY THIS SECTION TO BE FILED BEFORE A GENERAL ELECTION SHALL NOT BE ADMINISTERED THE OATH OF OFFICE OR BE PERMITTED TO SERVE UNTIL SUCH REPORT HAS BEEN FILED.

§36-6. Limitation of campaign contributions.

A. A limitation of no more than \$1,000 in cash, gifts or in-kind services may be contributed by one person or organization to each individual candidate. The contributor and any amount will be reported on the candidate's financial report.

B. No candidate shall accept any anonymous contribution in excess of \$5 in cash from any one individual or source, nor shall he/she accept more than a total of \$300 in cash in anonymous contributions in connection with any election. Any anonymous contribution received by candidate in excess of these limits stated herein shall be promptly paid over to the City to be used for any lawful purpose.

C. CAMPAIGN CONTRIBUTIONS MAY BE USED ONLY FOR THE FOLLOWING PURPOSES:

(1) PRINTING OF SIGNS.

(2) PRINTING OF CAMPAIGN MATERIALS.

(3) MAILING OF CAMPAIGN MATERIALS.

(4) COSTS ASSOCIATED WITH PRODUCTION OF ELECTRONIC CAMPAIGN MATERIALS.

(5) COSTS ASSOCIATED WITH DISTRIBUTING ELECTRONIC CAMPAIGN MATERIALS.

(6) CREATION AND MAINTENANCE OF CAMPAIGN WEBSITE AND/OR SOCIAL MEDIA.

(7) MEALS FOR CAMPAIGN WORKERS.

(8) RENTING OF TENTS AND/OR OTHER SUPPLIES FOR RALLIES, AND FOR ELECTION DAY POLL WATCHING LOCATIONS.

(9) COSTS ASSOCIATED WITH PRODUCTION AND PLACING PRINT MEDIA ADVERTISEMENTS.

(10) COSTS ASSOCIATED WITH OUTDOOR ADVERTISING.

(11) COSTS OF GARMENTS FOR CAMPAIGN WORKERS.

(12) COST OF ATTENDING FUNCTIONS WHERE EXPOSURE WILL AID IN THE CANDIDATE'S ELECTION PROCESS.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Michael E. Bennett, Mayor

Ruth E. Elliott, Councilwoman

Bruce E. Garner, Councilman

Sandra J. Landbeck, Councilwoman

Ruth Ann Young, Councilwoman

ATTEST:

SEAL:

Monica A. Correll, City Clerk

Date _____